

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

OPTICAL TECH IP, LLC,)	
)	
Plaintiff,)	
)	Civil Action No. _____
v.)	
)	JURY TRIAL DEMANDED
ALCATEL-LUCENT USA INC.,)	
)	
Defendant.)	
_____)	

COMPLAINT

For its Complaint, Plaintiff Optical Tech, LLC ("Optical Tech"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Optical Tech is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 475, Plano, Texas 75093.
2. Defendant Alcatel-Lucent USA Inc. is a Delaware corporation with, upon information and belief, a place of business located at 601 Data Drive, Plano, Texas 75075.
3. Upon information and belief, Defendant has registered with the Texas Secretary of State to conduct business in Texas.

JURISDICTION AND VENUE

4. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*
5. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.
6. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the

infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

7. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

8. On June 29, 2010, United States Patent No. 7,747,172 (the "'172 patent"), entitled "Optical Communication System Having Enhanced Spectral Efficiency Using Electronic Signal Processing" was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '172 patent is attached hereto as Exhibit A.

9. Optical Tech is the assignee and owner of the right, title and interest in and to the '172 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,747,172

10. Optical Tech repeats and realleges the allegations of paragraphs 1 through 9 as if fully set forth herein.

11. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant has infringed and continues to infringe the '172 patent by making, using, importing, offering for sale, and/or selling optical communication systems, including, but not limited to 1830 Photonic Service Switches, that incorporate methods covered by one or more claims of the '172 patent.

12. More specifically and upon information and belief, the 1830 Photonic Service Switch includes tunable filters used to filter data channels prior to each optical transmitter. Multiple channels of differing bandwidth coexist in the same spectrum thus

bandwidth-limiting is performed to provide a functional optical transmission. The 1830 Photonic Service Switch outputs the pre-filtered data channels from an optical transmitter to create a functional transmission. The optical transmission from the 1830 Photonic Service Switch is received at an optical receiver at a destination 1830 Photonic Service Switch. *See* Alcatel-Lucent 1830 Photonic Service Switch (PSS-16 and PSS-32) Release 7.0 at 2; *see also* Alcatel-Lucent 1830 Photonic Service Switch Brochure at 6.

13. Optical Tech is entitled to recover from Defendant the damages sustained by Optical Tech as a result of Defendant's infringement of the '172 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Optical Tech hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Optical Tech requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '172 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Optical Tech for Defendant's past infringement of the '172 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Optical Tech's reasonable attorneys' fees; and

D. An award to Optical Tech of such further relief at law or in equity as the Court deems just and proper.

Dated: November 11, 2014

/s/ Andrew W. Spangler

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